

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 21 is requested to be canceled without prejudice or disclaimer.

Claims 15, 20, 25, 26 and 32 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 9-20 and 22-33 are now pending in this application.

### Summary of Rejections:

Claims 20-22 and 25 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sullivan.

Claims 9-19, 23-24 and 26-33 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2003/0156640 to Sullivan in view of U.S. Patent No. 5,680,483 to Tranchard.

### Discussion of Rejections under 35 U.S.C. § 102(e):

Claims 20-22 and 25 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sullivan. Applicant respectfully disagrees with the Examiner's position and, therefore, traverses these rejections for at least the reasons that follow.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Id.*

Applicant has amended claim 20 to include the features previously recited in dependent claim 21. Accordingly, claim 21 has been canceled without prejudice or disclaimer. Independent claim 20 now recites:

20. (Currently amended) A method of decoding an encoded bitstream, comprising:  
retrieving, by a video decoder, from the encoded bitstream, a first indication corresponding to an intra-coded picture, the first indication indicating that all decoded coded pictures at and subsequent to the intra-coded picture in display order can be correctly decoded when a decoding process is started from the intra-coded picture; and  
based on the decoded first indication, decoding the encoded bitstream by the video decoder, the decoding starting from the intra-coded picture and subsequent pictures in display order,  
decoding from the encoded bitstream a second indication corresponding to a first coded picture, the second indication indicating whether or not the first coded picture can be correctly decoded when decoding is started from the intra-coded picture, discarding the first coded picture without decoding; and continuing the decoding process with the encoded pictures succeeding the first coded picture in the decoding order.

In rejecting claim 21, the Examiner cites Sullivan as disclosing “discarding and continuing the decoding process at Sullivan, Fig. 7, page 6, paragraphs 0077—0080. See Office Action dated January 28, 2010, page 7. The Examiner fails to indicate where, or even if, Sullivan discloses the remaining features of claim 21. For example, claim 21 recited “decoding from the encoded bitstream a second indication corresponding to a first coded picture, the second indication indicating whether or not the first coded picture can be correctly decoded when decoding is started from the intra-coded picture.” This feature is now included in independent claim 20. The Examiner does not cite Sullivan as disclosing this feature. Further, a thorough review of the disclosure of Sullivan by Applicant fails to yield any such disclosure.

Thus, since Sullivan fails to teach or suggest at least the above-noted feature of independent claim 20, as amended, Sullivan fails to anticipate claim 20. Therefore, claim 20 is patentable.

As to claim 22, this claim depends from allowable claim 20 and is, therefore, patentable for at least that reason, as well as for other patentable features when that claim is considered as a whole.

Claim 25 has been rewritten in independent form. Thus, claim 25 now recites:

25. (Currently amended) A method ~~according to claim 20~~,  
comprising:  
retrieving, by a video decoder, from the encoded bitstream,  
a first indication corresponding to an intra-coded picture, the first  
indication indicating that all decoded coded pictures at and  
subsequent to the intra-coded picture in display order can be  
correctly decoded when a decoding process is started from the  
intra-coded picture; and  
based on the decoded first indication, decoding the encoded  
bitstream by the video decoder, the decoding starting from the  
intra-coded picture and subsequent pictures in display order,  
wherein a random access location is determined by  
examining sub-sequence identifiers for encoded pictures.

Thus, in accordance with claim 25, a random access location is determined by examining sub-sequence identifiers for encoded pictures.

In rejecting claim 25, the Examiner cites Figures 5 and 8 of Sullivan as being relevant. Applicant respectfully disagrees with the Examiner's interpretation of the disclosure of Sullivan as applied to claim 25.

A description of Figures 5 and 8 of Sullivan can be found at Sullivan, paragraph [0060], which is reproduced below:

“As an example, consider FIG. 5 which illustrates an exemplary sequence of pictures generally at 500. This sequence has been encoded with an encoder that provides one or more random access points and the associated information that facilitates random access of the sequence. Here, a random access point or RAP 502 is indicated. Recall that a random access point can contain one or more both of the specification of an entry point and a recovery point. In this particular example, the random access point contains information associated with an entry point or EP 504, as well as information associated with a recovery point or RP 506. The entry and recovery points provide measures that a decoder can use to

ascertain when its decoding activities will result in accurately and suitably decoded pictures.”

Thus, all pictures illustrated in Figures 5 and 8 of Sullivan belong to the same sequence. Sullivan fails to provide any teaching or suggestion of sub-sequences, as recited in claim 25.

Therefore, Sullivan fails to anticipate claim 25. Claim 25 is patentable.

Discussion of Rejections under 35 U.S.C. § 103(a):

Claims 9-19, 23-24 and 26-33 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sullivan in view of Tranchard. Applicant respectfully disagrees with the Examiner’s position and, therefore, traverses these rejections for at least the following reasons.

In rejecting claim 15, the Examiner has referenced Figures 1-3 and paragraphs [0010], [0011], [0016] and [0026] of Sullivan. Figures 1 and 2 of Sullivan, and the relevant section of Sullivan’s disclosure, describe a sequence of pictures that are ordered and indexed from left to right, starting with an I-picture 100 (I0), in the order in which the pictures will be displayed. The pictures subsequent to the I-picture (I0) are B1, B2, P3, B4, B5, P6, B7, B8, I9, B10, B11, ... in the display order. Figure 3 of Sullivan depicts the transmission order or the decoding order of the sequence of Fig. 2 (paragraph [0016]) i.e. the pictures are transmitted in the following order: I0, P3, B1, B2, P6, B4, B5, I9, B7, B8, P12, B10, B11, ... These pictures are arranged in the transmission order (and in the encoding order), while maintaining their original numbering scheme that indicates the display order of the picture frames. It can be seen from Figure 3 of Sullivan that picture P6 is transmitted before the picture I9 and pictures B7 and B8 are transmitted after the picture I9. However, the numbers associated with these picture frames indicate that these pictures are displayed in the order P6, B7, B8, and I9. As evident from Sullivan’s Figure 1, pictures B7 and B8 are predicted on the basis of pictures P6 and I9. Sullivan, in paragraph [0021], further describes a “closed GOP flag” that may be provided for individual I-pictures to indicate whether any subsequent picture in the transmission order (after the I-picture) refer to a picture previous to that I-picture.

As previously noted by Applicant, these, and other, sections of Sullivan, however, fail to teach or suggest the various features that are recited in pending claim 15. In particular, claim 15 recites:

“a first indication indicating whether or not at least a part of at least one picture is encoded with reference to a picture preceding the intra coded picture in encoding order, the at least one picture having an encoding order succeeding the intra coded picture; and performing motion compensated prediction for a second picture with reference to the at least one picture” (emphasis added).

Comparing the features of claim 15 and the description of Sullivan reveals that, while pictures B7 and B8 of Sullivan (that are predicted from picture I9) succeed I9 in the encoding order, these pictures (B7 and B8) are not used for predicting other pictures in the sequence. As such, Sullivan’s disclosure fails to teach or suggest at least “performing motion compensated prediction for a second picture with reference to said first picture,” which is recited in pending claim 15.

Further, Sullivan’s “closed GOP flag” (described in paragraph [0021] of Sullivan) cannot be construed as teaching or suggesting the features of the pending claims since this flag only pertains to the I-pictures, and it merely indicates whether or not a group of pictures (GOP) is closed (depending on whether the B-pictures that immediately follow each of those I-pictures in decoding order use prediction from the picture previous to the I-picture). Sullivan’s closed GOP flag does not indicate that “at least a part of at least a first picture is encoded with reference to a picture preceding the intra coded picture in encoding order, the first picture having an encoding order succeeding the intra coded picture,” as recited in pending claim 15.

In the “Response to Remarks” section of the pending Office Action, the Examiner argues that “Sullivan also teaches performing prediction by the video encoder for a second picture with reference to the at least one picture ... picture P, predictive coded picture constitute a second type of picture which are predicted by motion compensation...” Office Action dated January 28, 2010, page 8. Applicant respectfully disagrees with the Examiner’s interpretation of Sullivan in this regard.

In accordance with claim 15, motion compensated prediction is performed for a second picture with reference to another picture. Applicant has amended claim 15 to more clearly recite this feature. Accordingly, claim 15 now recites “performing motion compensated prediction by the video encoder for a second picture with reference said first picture.” In this regard, the first picture is encoded with reference to a picture preceding the intra coded picture in encoding order, the first picture having an encoding order succeeding the intra coded picture. Thus, in accordance with embodiments of the present invention, the first picture and the second picture are not a first type of picture and a second type of picture, but rather certain pictures in the picture stream.

As applied to Sullivan, this would result in the P picture being a picture which is predicted by motion compensation based on the B7 or B8 picture. This is clearly not the case. Instead, Sullivan merely discloses that P pictures are predicted by using a previous P picture or I picture as a reference. Thus, Sullivan fails to teach or suggest “performing motion compensated prediction by the video encoder for a second picture with reference said first picture,” as recited in claim 15.

Further, Tranchard fails to cure the above-noted deficiencies of Sullivan. Applicant respectfully directs the Examiner’s attention to the previous arguments regarding the inapplicability of Tranchard to the pending claims set forth in response filed on April 16, 2009.

For at least the above-noted reasons, claim 15 is patentable. Independent claims 9, 26 and 32 recite features that are similar to those discussed above in connection with claim 15. Accordingly, claims 9, 26 and 32 are patentable for similar reasons as claim 15.

As to claims 10-14, 16-19, 23-24, 26-31 and 33, these claims each depend, either directly or indirectly, from one of allowable claims 9, 15, 26 or 32 and are, therefore, patentable for at least that reason, as well as for other patentable features when these claims are considered as a whole.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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